

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

No. C-02-1486 CW (EDL)

**ORDER GRANTING JDS UNIPHASE'S
MOTION FOR PROTECTIVE ORDER**

This document relates to ALL ACTIONS
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Upon consideration of all the papers on Defendant JDSU's motion for protective order, the Court concludes that the matter is suitable for decision without oral argument. For the reasons stated in JDSU's papers, especially in its reply, the Court grants the motion for a protective order pursuant to Rule 26(b)(2). Among other things, the Court notes that the following factors weigh in favor of a protective order: the Court required the parties to exchange lists of intended deponents in order to have an orderly schedule; Plaintiffs removed from their list of intended deponents a Rule 30(b)(6) deponent on inventory which had been included on an initial list, and did not reinstate the deposition in several updated lists of depositions; Plaintiffs only attempted to reinstate such a deposition on November 10, 2006, shortly before the deposition cutoff; the notice served on November 15 for a November 28, 2006 deposition, with the intervening Thanksgiving holiday, was insufficient, particularly when combined with the absence of current employees knowledgeable about the subject and the fact that Plaintiff had already taken depositions of former JDSU employees, such as Mr. Lefebvre, who were likely to have been willing to appear, if they had only been required to sit once, consecutively, as was no longer possible.

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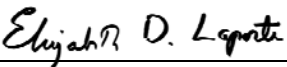
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JDSU's motion for protective order is GRANTED. (Docket no. 695.)

The hearing set for January 9, 2007 on the motion for protective order is VACATED.

IT IS SO ORDERED.

Dated: December 22, 2006



ELIZABETH D. LAPORTE
United States Magistrate Judge